THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 20134 of 2007

Oral order:

The petitioner is employed with the respondents as Senior Manager (Works). On the ground of unauthorized absence from duties, the petitioner was issued charge sheet dated 03.02.2007 by the respondents. While the respondents proposed to conduct enquiry into the said charges, and called upon the petitioner to appear for the enquiry, the petitioner made representation to the respondents, enclosing Medical Certificate issued by one
Dr. M.V.S.S. Pulla Rao, contending that since he is unwell, the enquiry may be deferred. He submits that the respondents without considering the same and doubting genuineness of the medical certificate, lodged a complaint against the said Doctor, and the Medical Council of India, having enquired into the complaint, found that the medical certificate issued by the Doctor to him to be genuine. He submits that the respondents without considering the said medical certificate, have called upon the petitioner to appear before the Medical Board, but the petitioner could not appear because he did not receive the same in time. While so, vide proceedings dated 25.05.2007, another charge was framed against the petitioner. Now the petitioner filed the present writ petition contending that since he is unwell and unable to move out of the house, the departmental enquiry against him be deferred till he recuperates from his illness.

Having heard the learned counsel for the petitioner and having perused the material filed by him in support of the writ petition.

The main grievance of the petitioner is that since he is unwell, the departmental enquiry initiated against him should be deferred until he recuperates. Though the petitioner contends that he is unwell, the fact remains, he did not appear before the Medical Board either on the day directed to be reported or on any subsequent date. If the petitioner is really unwell, nothing prevents him from appearing before the Medical Board, as required by the respondents, and get a certification about the seriousness of his illness, physical and health condition. If the Medical Board finds that the petitioner is really unwell, then certainly the respondents will consider deferring of the departmental

enquiry, but certainly on the basis of medical certificates issued by private Doctors, no direction can be given to the respondents to defer the departmental enquiry initiated against the petitioner.

I find no merit in the writ petition, and the same is accordingly dismissed. This order, however, does not preclude the petitioner from appearing before the Medical Board, as directed by the respondents, and get certification about his illness, and if any such certification is obtained by the petitioner from the Medical Board, then the respondents shall consider the request of the petitioner for deferring the departmental enquiry till he recuperates. No costs.

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N.V. RAMANA, J.

Date: 4th October, 2007.
KSR